IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1879 of 2005

Between:

1 The Director of Treasuries and Accounts, Insurance Building, Tilak Road, Abids, Hyderabad.
2 The District Collector, Chilakalapudi, Krishna District.
3 The District Treasury Officer, Chilakalapudi, Krishna District.
4 The Government of Andhra Pradesh, represented by the Chief Secretary, Finance and Planning Department, Secretariat Buildings, Hyderabad.

..... PETITIONERS

AND

S.Alivelu Bai, Working as Junior Accountant in Treasury Unit, Vijayawada, Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue a writ, order or direction more particularly one in the nature of writ of "Certiorari" and calling for the records relating to the order passed in O.A.No.981/2002 dated 14-02-2003 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary, and pass such other order or orders as deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: GP FOR SERVICES II

Counsel for the Respondent:……..

The Court made the following:

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for brevity Tribunal) in O.A.No.981 of 2002, dated 14.2.2003.

2. The respondent belongs to ST category. While so, the District Collector, Krishna District, notified the backlog vacancies to be filled up, in which the respondent was selected as Junior Accountant. However, as she was not possessing the required technical qualification, the District Collector allotted the respondent to the Treasury Office in Krishna District and consequently an order was issued by the District Treasury Officer, Krishna at Chilakalapudi in Rc.No.A2-907/99, dated 30.6.1999 stipulating one of the conditions that she should acquire the technical qualification within two years. But curiously enough the Director of Treasuries and Accounts issued proceedings dated 28.12.2001 proposing to surrender the respondent to the office of the District Collector, Krishna, for further necessary action. Aggrieved by the said order, the respondent herein filed the above OA. During the pendency of the said OA., she was continued in the Treasuries Department at Krishna District.

3. The learned Government Pleader for Services-II submits that when the very appointment was made contrary to the Rules as the respondent did not possess the Typewriting Higher Grade qualification, which is one of the condition stipulated in the order, she is not entitled to continue at the Treasury Department.

4. We are unable to accept the contention of the learned Government Pleader. When the respondent was allotted to Treasuries Department at the office of the District Treasury Officer by the proceedings dated 30.6.1999 and while accepting her appointment a condition was stipulated for possessing technical qualification in Typewriting Higher Grade, it cannot be now said that the respondent was continuing there without there being any valid orders and she was only continuing only subject to the possession of required technical

qualification and hence the question of surrendering her to the District Collector by proceedings dated 28.12.2001 would not arise. Moreover, she acquired Typewriting Higher Grade qualification within the period of two years as stipulated in the order of appointment. Under those circumstances, we do not find any illegality in the order passed by the Tribunal.

5. Accordingly the Writ Petition is dismissed at the admission stage. No costs.

G.BIKSHAPATHY, J.

22nd February, 2005.

P.S.NARAYANA, J.

SSR

To

1 The Director of Treasuries and Accounts, Insurance Building, Tilak Road, Abids, Hyderabad.
2 The District Collector, Chilakalapudi, Krishna District.
3 The District Treasury Officer, Chilakalapudi, Krishna District.
4 The Chief Secretary, Finance and Planning Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

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